

MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House



ABERDEEN
CITY COUNCIL

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	18 November 2009
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

Civic Government (Scotland) Act 1982

(Licensing of Houses in Multiple Occupation) Order 2000

Application for the Renewal of a Licence to Operate a House in Multiple Occupation (HMO) at No.44 Hilton Terrace, Aberdeen

Applicants: Monica Crawford

Agent: Bon Accord Leasing Ltd

I refer to the above HMO Licence renewal application, which is due to be considered by the Licensing Committee at their meeting on 2 December 2009, for the reason that letters of objection have been received by my HMO Unit.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is an ex-Council upper-floor maisonette contained within a four-in-a-block property. The accommodation comprises of four bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

The HMO application:-

The HMO Licence renewal application was received by the Council on 25 September 2009. The HMO Officer visited the premises on 9 October 2009, then he wrote to the agent on 9 October 2009, listing several requirements to bring the premises up to the current HMO standard. At the date of this memo, all requirements have not been met.

Letters of objection:

The HMO Unit received letters of objection from the following persons. Both letters were received within the statutory 21-day period for consultation and are therefore 'competent' objections:-

1. Mr M.Cooper, 42 Hilton Terrace, Aberdeen (letter attached as appendix 'B').
2. Mr P.Cooper, 12 Forrit Brae, Bucksburn, Aberdeen (letter attached as appendix 'C').

Other considerations:-


- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has a record of 2 noise complaints in respect of No.44 Hilton Terrace, Aberdeen, in October 2008. Both complaints alleged loud music and were investigated by Officers visiting the property, however when Officers reached the property no music was heard. No further complaints have been received since then. The Licensing Committee was advised of these complaints at their meeting in November 2008.
- The Council's Environmental Health database shows that 2 complaints were made in 2006, concerning bin bags in the garden of No.44 Hilton Terrace. Both complaints were resolved by giving advice to the occupants. The Licensing Committee was advised of these complaints at their meeting in November 2008.
- The applicant and her property are currently registered with the Landlord Registration scheme.
- The Licensing Committee, at their meeting on 26 November 2008, considered the previous HMO Licence renewal application in respect of No.44 Hilton Terrace, in light of a letter of objection from Mr Cooper, 42 Hilton Terrace. The Committee resolved to grant the HMO Licence for a period of one year only.
- The objector lives directly below the HMO property.
- The Area Environmental Officer has advised me that his Officers have not received any complaints about rubbish or rubbish disposal at No.44 Hilton Terrace.
- The applicant's agent has submitted a letter in support of the HMO Licence application, and responding to the points made in the letters of objection. The letter is attached as appendix 'D'.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

Ally Thain
Private Sector Housing Manager



Title: HMO LICENCE APPLICATION
PREMISES : 44 HILTON TERRACE, ABERDEEN
Scale: 1:500 **Date:** 20 October 2009 **Map Ref:** NJ9208SW

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ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
Date Received:	09 OCT 2009
Date Logged on Flare	

'B'

Mr M Cooper
42 Hilton Terrace
Aberdeen
AB24 4HD

8 October 2009

DELIVERED BY HAND 9 OCTOBER 2009

Dear Mr Thain

HMO Property 44 Hilton Terrace, Aberdeen

Thank you for forwarding to me the rather ludicrous letter dated 11 August 2009 from Bon Accord Leasing regarding the above property. **I am objecting to the renewal of the HMO Licence for this property on largely environmental grounds, but also on anti-social grounds.**

I would like the above mentioned Bon Accord Leasing letter, as well as this reply, to be available to the Licencing Committee for their consideration.

Can I first deal with a number of fallacies contained in the letter of 11 August.

1. I have no objection whatsoever to the property being an HMO property. Aberdeen is rightly proud of its Universities and obviously students must have somewhere to live if they are to be attracted to Aberdeen. I am most definitely not one of the "not in my backyard" brigade;
2. To suggest that I, a disabled pensioner, would bang on neighbour's doors at midnight for no reason whatsoever is absolutely preposterous. I have followed the explicit instructions of Bon Accord Leasing, which are, "when dealing with minor disturbances, to contact the tenants direct". I have never, and would never, knock on their door without reason. {A question which must be raised is whether these goody, goody, tenants who are in bed before midnight, are the same tenants who I am told trashed the flat – including broken toilets and holes in walls – and then left without paying rent. Breaking toilets and putting holes in walls can not be done quietly and all the noise is heard in the flat directly below them! I would suggest that the £1000 that the owner has to pay for an HMO Licence, is dwarfed by the cost to renovate the empty flat vacated by "good respectable, tenants"}

As I said my main objection to the renewal of the licence is on environmental grounds. There are still problems with full, black bin liners being strewn across my garden. I also have photographs of the offending black bags referred to in the 11 August letter. The difference being however is that, in my photographs, there are clearly holes to be seen in

them. These would have been caused by vermin. These obviously happened after the photographs taken by BA Leasing, which raises the question of why they didn't simply take the bags away, instead of photographing them!!! My photographs are attached and I would like them to be included in the papers for consideration by the Licencing Committee.

My brother was looking after my house whilst I was in hospital in June and July and he confirms in the attached letter the exact sequence of events. My neighbour also witnessed the exact sequence of events and is also very happy to confirm that they were not as BA Leasing described.

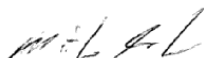
To this day, there remains a full black bin liner blocking access to my rear garden. This has been left there by the current tenants and has been sitting there for almost a week now. There is also another full black bag resting against their 'wheelie bin' which is also full of other rubbish. **{Since typing this letter I noticed today that a representative of BA Leasing had attended the property. They did not attempt to make any contact with me, and I do not know whether they spoke to the tenants of 44, but the black bags of rubbish remain there even after their visit}**

I am greatly concerned that the current tenants either have no knowledge of when bin collection days are, or, couldn't care and are happy for rubbish to stockpile in and around my garden. **I am not!!**

Bon Accord Leasing have responsibilities for this and in my view they are not discharging these responsibly.

Regarding the police visit to the Flat 44 property last year, which I personally witnessed, I have today written to Grampian Police, under Freedom of Information laws, asking for full details of any visits they have made to that property within the past 2 years. **I would like to request that Aberdeen City Council do similar.**

I do **not** give my authority for you to copy this to Bon Accord Leasing other than at the same time the Licencing Committee receive it.



Mike Cooper

Mr A Thain
Private Sector Housing Manager
Aberdeen City Council
St Nicholas House
Aberdeen
AB15 9SD



Mr P Cooper
12 Forrit Brae
Bucksburn
Aberdeen
AB21 9SL

8 October 2009

Dear Mr Thain

HMO Property 44 Hilton Terrace, Aberdeen

I write in support of my brother Mike Cooper's concern regarding the renewal of an HMO licence for the above property.

Having previously worked for a number of years in the Neighbourhood Complaints Unit of Aberdeen City Council, I am no stranger to Anti-Social actions.

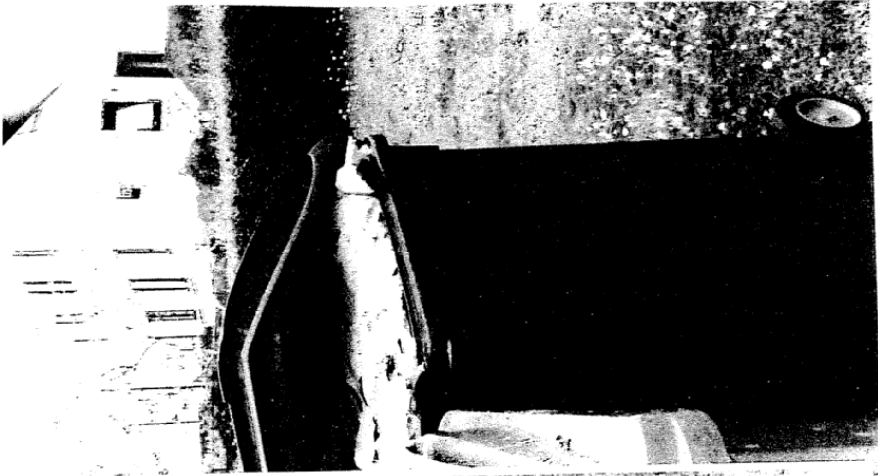
During the period of around 5 weeks when my brother was in hospital in June and July this year, I looked after his house and property. On one occasion I counted no fewer than 8 black bags full of rubbish which were almost blocking the access to the rear garden area. All of these had come from flat 44. The photographs provided by BA Leasing bear no resemblance to what I saw! In addition to these, an over packed wheelie bin – containing rubbish from Flat 44 – was sat on my brother's front lawn. A photograph of this is attached.

I am very happy to discuss these points with the Licencing Committee and answer any further questions they may have when they meet to consider the HMO renewal, as I will be accompanying my brother to that meeting.

Drafted and agreed by Phil Cooper and signed in his absence.

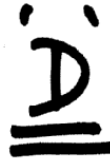
Phil Cooper 

Mr A Thain
Private Sector Housing Manager
Aberdeen City Council
St Nicholas House
Aberdeen
AB15 9SD



06 NOV 2009

Bon Accord Leasing



Mr Ally Thain
Private Sector Housing Manager
Aberdeen City Council
St Nicholas House
Broad Street
Aberdeen
AB10 1BY

11 The Courtyard
Cults
Aberdeen
AB15 9SD

Tel: 01224 739771

Fax: 01224 863720

02 November 2009

Dear Mr Thain

44 Hilton Terrace – Mr Cooper

I refer to the correspondence you have been receiving from Mr Cooper and in particular with regard to his hand delivered letter of the 8th of October 2009. I apologise for the delay in responding which was due to ill health.

Mr Cooper raised a number of issues and I will not attempt to answer them all in this correspondence for fear of the whole issue getting out of hand. The facts are that we were unaware of the black bags having been deposited outside the property. The tenants had left prior to the agreed termination date without informing us. Once we did become aware we dealt with the issue immediately and most bags (five) were removed within two hours of us discovering them, the remaining two within 24 hours. There did not seem to be any holes in the bags according to our handyman who removed them.

Tenants did not trash the property nor knock holes in walls; we negotiated an early surrender of their lease as they were having financial difficulties.

We, as a company, are dedicated to providing a good professional service to all of our tenants and landlords and to ensuring that neighbours of our tenants are not inconvenienced. We are aware of our responsibilities and take them very seriously. We have twelve other HMO properties, most of them having been with us for several years and have had their licenses renewed. To date we have not had one single other complaint or objection to HMO applications. Furthermore, we visited all adjoining owners and tenants around 44 Hilton at the beginning of this year and provided them with our contact details and asked them to contact us if there were any issues regarding the tenants at 44 Hilton. To date we have not had one single call.



Email: office@bonaccordleasing.co.uk

Web: www.bonaccordleasing.co.uk

Bon Accord Leasing Ltd Registered Office: 11 The Courtyard, Cults, Aberdeen AB15 9SD
Company Registration Number: sc249409 VAT Number: 852965586 Landlord Registration Number: 08028/100/20490

We also interviewed the adjoining owners regarding historic issues on the subject of the property and we were advised that there had not been any incidents, noise or disturbance of which they were aware.

Please find a copy of an e-mail attached from one of the previous tenants which is self explanatory.

I do hope that this matter does not cause the licensing committee to refuse the HMO application. In this regard, and as a gesture of goodwill, Bon Accord Leasing would be prepared to withdraw from managing the property and assist the owner to engage another agent.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken McGeechan', with a long horizontal flourish extending to the right.

Ken McGeechan
Managing Director

Ken McGeechan

From: hugh page [w.page@hotmail.co.uk]
Sent: 10 February 2009 17:10
To: Office
Subject: re:44 hilton terrace

44 Hilton
terrace
2009-02-10

Aberdeen

AB24 4HD

To ken McGeechan,

Enclosed in this document you will find statements referring to the incidents occurring on the 4th and 10th of February. Each statement has been verified by all those present during each respective incident.

On the evening of Wednesday 4th February, at around eleven o'clock, i was surprised to hear incessant thumping upon the front door. I cautiously ventured downstairs unnerved by the aggressive nature of this interruption. Upon opening the door I discovered it was the occupant of the flat directly beneath us. In his heighten state of aggression he proceeded to allege that there was loud music coming from our flat. This claim was entirely unfounded, indeed there had been no music played at all that evening. This i explained to our neighbour in a very calm manner, not wanting to exacerbate the situation. I refrained from remarking upon his anti-social behaviour for fear of provoking his irate demeanour. This course of action appeared to resolve the issue as we both said goodnight and returned to our respective flats.

I have today been informed of another allegation, that we the residents of 44 Hilton terrace held a party during the small hours the morning. This alleged party I have been informed took place between the hours of 4am and 6am on Tuesday the 10th of February. Again this fabricated allegation is entirely unfounded, as we were all in bed well before this alleged party took place. What's more, there is no evidence of people coming or going at these hours and no evidence of any noise being made. More importantly the premise of hosting a party between these hours is entirely ludicrous and of course incorrect.

I would like to conclude by saying that we feel acrimony in having to brook these iniquities. We whole heartedly abnegate all of these allegations yet wish to abate this issue with the upmost alacrity.

yours sincerely,